

**THE HON'BLE SRI JUSTICE V.V.S.RAO**

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**WRIT PETITION No.11975 of 2007**

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**11.6.2007**

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Between:

Velagapudi Bhanumathi, W/o.Harendra Babu

...Petitioner

And

The District Collector, Krishna, at Vijayawada

And others

...Respondents

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**WRIT PETITION No.11975 of 2007**

**ORDER:**

Petitioner herein challenges the order dated 05.5.2007 passed the Revenue Divisional Officer (RDO), Vijayawada, Krishna District, in D.Dis.No.660 of 2006, as illegal and contrary to the orders passed by this Court in W.P.Nos.13886 and 21641 of 2006, dated 10.7.2006 and 18.10.2006 respectively.

The petitioner purchased land admeasuring Acs.2.34 in R.S.No.59 situated at Yanamalakuduru of Penamaluru Mandal in Krishna District, under registered sale deed dated 31.3.1990, from Velagapudi Nagabhushanam. The third respondent herein filed a complaint before the first respondent alleging that the land in survey No.51 admeasuring Acs.3.52 is the temple land belonging to Sri Ramalingeswara Swamy Temple, which was given to Nayeebrahmins for rendering piper service, but the President of Yanamalakuduru Gram Panchayat, sold the land to the petitioner. Third respondent requested to resume the land from the petitioner and restore it to Nayeebrahmins. Petitioner also participated in the enquiry. She also filed W.P.No.21641 of 2006, which was disposed of on 18.10.2006 observing that the Revenue Officials cannot decide the disputed questions of title. In the meanwhile the Temple filed O.S. No.155 of 1998 on the file of the Court of I Additional Senior Civil Judge, Vijayawada, against the father of the petitioner for declaration of title. The said suit was dismissed on 21.3.2006. Third respondent made a representation only after dismissal of the suit. In spite of the same, enquiry was conducted by the second respondent contrary to the observations made by this Court in W.P.No.13886 of 2006 and W.P.

No.21641 of 2006. Second respondent observed that Bhajantrees are not entitled to sell away the land and the petitioner is not entitled to purchase the land. Aggrieved by the same, the present writ petition is filed.

A perusal of the order passed by the second respondent meant in the writ petition would show that though the Assistant Settlement Officer while conducting enquiry under Andhra Pradesh (Andhra Area) Inams (Abolition and Conversion Into Ryotwari) Act, 1956, observed that it is a Bhajantree service inam, and he did not grant ryotwari patta. Taking this into consideration, second respondent came to the conclusion that in the absence of ryotwari patta, Bhajantrees are not entitled to sell away the land.

The second respondent also noticed that the appeal filed by the Temple being A.S.No.95 of 2006 against O.S.No.155 of 1998 is pending and therefore title dispute cannot be gone into. This would only show that the title of the vendor of the petitioner is itself in doubt and there is no dispute that the petitioner is also a party in the said appeal. Therefore, she has to claim her title in the civil suit and the observations made by the second respondent are only clarification regarding legal position. The civil court has to independently consider the issue.

Learned Counsel for the petitioner after making submissions for some length of time, having regard to the above, seeks permission of this Court to withdraw writ petition, with liberty to raise all the grounds before the appellate Court. Giving liberty to do so, the writ petition is dismissed as withdrawn.

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**(V.V.S.RAO, J)**

June 11, 2007

vs